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PATENT
ATTORNEY DOCKET NO.: 111788.00101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
William M. JOHNS et al.)	
)	
Serial No. 09/765,431)	
)	Group Art Unit: 2152
Confirmation No.: 9036)	
)	Examiner: Chad Zhong
Filed: January 22, 2001)	
)	
For: SYSTEM AND METHOD FOR)	
CONTINUOUS MONITORING AND)	
MEASUREMENT OF PERFORMANCE)	August 15, 2005
OF COMPUTERS ON NETWORK)	(August 14 was a Sunday)

**REQUEST FOR NEW OFFICE ACTION AND
RESTARTING OF TIME PERIOD FOR RESPONSE**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Final Rejection mailed July 14, 2005, has been carefully considered. In response thereto, the Applicants respectfully request the mailing of a New Office Action and the restarting of the time period for response.

The Applicants respectfully submit that the Final Rejection does not specify the grounds of rejection in sufficient detail to permit the Applicants to respond. Claim 1 is rejected under 35 U.S.C. § 103(a) over *Badt, Jr.* in view of *Bush*. However, various claims dependent from claim 1 are rejected over combinations of references not including *Bush*. More specifically, claim 2 is rejected over *Badt* in view of *Hemphill et al*; claims 9-11 over *Badt* in view of *Dattatri*; and

claim 14, over *Badt* in view of *Lin et al.* Clarification is respectfully requested as to whether *Bush* should be included in those combinations of references and, if not, why not.

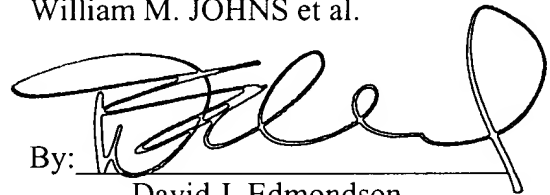
For the reasons set forth above, the Applicants respectfully request a new Office Action with a restarted time period for response.

In the event there are any questions relating to this Request or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

The Applicants respectfully submit that no fee is due. However, the Office is authorized to charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (111788-00101).

Respectfully submitted,

William M. JOHNS et al.

By: 

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